

Stephen Harmon
Goose Creek Cor.Cnt.
22301 West Alsop Rd.
Wasilla, Alaska 99654

6/22/2020
REFUSED FOR FILING

FILED

RECEIVED

JUN 18 2020

JUN 22 2020

IN THE SUPREME COURT OF THE STATE OF ALASKA

APPELLATE COURTS
OF THE
STATE OF ALASKA

STEPHEN HARMON
Appellant

vs

MIKE DUNLEAVY et al.
Appellees.

The Supreme Court's
rulemaking authority
cannot be challenged
by a motion for reconsideration.
M. Montzmay, Clerk

APPELLATE COURTS
OF THE
STATE OF ALASKA

Supreme Court Case No. S-17741

(with effect - order) of

Superior Court Case No. 3AN-19-10653CI.

(related and "directly effecting by
this Court's ORDER in/on "Current"
Superior Court Case No.4FA-13-2849CI)

returned
7/15/2020. Jm

"MOTION FOR RECONSIDERATION OF THIS COURT's ORDER"

OF: "Special Order of The Chief Justice - Order 8155 [by
Chief Judge Joel H. Bolger]"

Pursuant to App.Rule Proc.503 MOTIONS (h) Motion for Reconsid-
ation)

..."(h) Motions for Reconsideration

(1) Filing.--- A party who is aggrieved by an Order may move
for reconsideration of the Order. A Motion
for reconsideration must be filed within
ten days after the date of notice of the
order..."

*** Harmon is (aggrieved) Be Aggrieved By order asking et. to
Reconsider.

a.) Alaska Supreme Court issued this ORDER on June 15, 2020; and

b.) Appellant Harmon "given notice/learned thru the News 6:00pm on
6/15/20"

C.) Attached Order [Attachment Letter "A"] moving
Court to Reconsider - Appellant Harmon is Aggrieved By

I Stephen Harmon Appellant Prose herein Motion/move for "Recon-
sideration and ask the Court to Vacate completely" this ORDER of

"Special Order of The Chief Justice - Order 8155 [Chief Judge
Joel H. Bolger]"

The Court herein issued because the Court has

a.) Has overstepped it's (Supreme Court) Constitutional

Discretionary Authority ; by violating Alaska Constitution art.IV.§15-"The Rule-Making Power of the

Supreme;..."..."These Rules may be changed by the legislature, by a two-thirds vote of the elected members to each house..."

b.) "Changed" Constitutional/Stautory Court Rule (3):

"Mandated"(s) of: (changed unconstitutionally when "suspended (these "mandates of")

*** Cr.Rule 45

"Suspended is Changing - is Unconstitutional Unlawful"

(b) Speedy Trial Time limits (..."Shall be...")

"and"

*** Civ.Proc.38 Jury Trial

(a) Right Preserved.---

The Right of Trial by Jury as declared by Section 16 of article I of the Constitution, or as given by a statute, (emphasis following)..."SHALL BE" preserved to the parties inviolate...

(d) Demand

any party may demand a trial by jury of any issue triable of right by a jury..."..."a demand therefor in writing at any time after the commencement of the action..."

(Judge Boks/)

c.) Court's Error Order; has resulted in "denial to/of" the Alaska

Constitution ---Art.I§1 "inherent Rights"

..."entitled to equal rights,opportunities and protections under the law..."

---Art.I§6 "Petition"

..."..."and to Petition the government shall never be abridged..."

---Art.I§7 "Due Process"

..."No person Shall be deprived of life,liberty or property without Due Process of law. the right of all persons to fair and just treatment in the course of legislative and executive investigations shall not be infringed..."

---Art.I§11"Right of Accused"

..."in ALL criminal prosecutions, the accused shall have the right to a speedy and public Trial, by an impartial jury of twelve..."

Constitution

---Art.I§15 "Prohibited State Action"

..."No bill of attainder or ex post facto shall be passed...."...no law making any irrevocable grant of special privileges or immunities shall be passed. No conviction shall work corruption of blood or forfeiture of estate..."

---Art.I§16 "Civil Suits; Trial by Jury"

..."In civil cases ..."..."the right of Trial by a Jury of twelve is preserved to the same extent as it existed at common law..."

(emphasis herein add) ---Art.I§24 "RIGHTS OF CRIME VICTIMS."

..."Crime Victims, as defined by law, SHALL HAVE THE FOLLOWING RIGHTS AS PROVIDED BY "LAW": the right to be..."
..."...the right to timely disposition of the case following the arrest..."

d.) Court's Error Order; resulted in Violation of "direct controlling"

of Canon 3 B. "Adjudicative Responsibilities and

of Canon (2)(a) ["] a judge shall maintain professional competence in the law.

(b) a judge shall be faithful to the law. A judge shall not deviate from the law... "..." to advance an improper interest..."

(7) a judge shall accord to every person the right to be heard according to the law..."

Also

The Court herein has "brought the Alaska Supreme Court" into

"Question and disrepute" by issuing this unconstitutional Order

to "Suspend "again" Jury Trial(s) (i.e. including "sentencing)

procedures that require the use of a Jury to determine the agra-

vating factors if any in the sentence of litigant such as in

Appellant Harmon case (currently pending decision in/on case of

Case 4FA-13-2849 CI (Rule 60 (b)(4)(5) Motion before the Court))

Dated this date of June 18th, 2020 signed Stephen Harmon
Stephen Harmon Prose

Stephen Harmon
Goose Creek Cor.Cnt.
22301 West Alsop Rd.
Wasilla, Alaska 99654

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STEPHEN HARMON
Appellant

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Supreme Court Case No. S-17741

Superior Court Case No. 3AN 19-10653CI

(related and "directly effecting by"
this Court's ORDER in/on "Current"
Superior Court Case No.4FA-13-2849CI.)

"AFFIDAVIDT AND MEMORANDUM"

Supporting "MOTIN FOR RECONSIDERATION OF COURT's ORDER of"

"Special Order of The Chief Justice - Order 8155 [Chief Justice Seal H. Bagley]"

I/Stephen Harmon Appellant Prose Affirm that the following
is True and Correct to the best of my Knowledge pursuant to
A.S.09.63.020 and USCS § 1746.

This Court Justice Bagley "has over stepped and abused its Discretionary
authority" by issueing an ORDER "Changing" Alaska constitutional
"Mandated" "Timely/Speedy Trial" laws/Court Rules that the Court

is required by Alaska Constitution to have obtained the Alaska
Legislative Branch "change" the Jury Trial Court Rules. Mandates of State/BG

The Court herein "has no" Stautory or Constitutional authority
to have "suspended" a "Mandated" "SHALL be" in Cr.45 nor Civ.P.
38 Jury Trial (d) Demand of "at any time " nor the "Mandates
"specifically required in/of" (Art.I.§6 Petition "shall never be
abridged", Art.I§7 Due Process "shall not be infringed", Art.I

1 §11 Right of Accused "shall have the right to a speedy and public
2 Trial, by an impartial jury of twelve...", Art.I. §24 Rights of
3 Crime Victims "shall have the following rights as provided by law
4 the right to timely disposition of the case..." and Canon 3(b)
5 Adjudicative Responsibilities, Canon (2)(a) "shall".."in the law"
6 (b) shall be faithful to the law"..."shall not deviate from the
7 law", (7) a judge shall accord to every person the right to be
8 heard according to the law...".

9
10 The State of Alaska "has not declared Martial law" in the
11 State of Alaska . "suspension of any laws or procedures is not
12 constitutionally lawful authorized".

13
14 The U.S.Federal Government "has not declared "Martial law" in
15 the United States of America". "Suspension of any laws or
16 procedure is not constitutionally lawful authorized".

17 *Harmon is (and or will be Aggrieved in one case) in*
18 This Court's ORDER of "suspending Jury Trial (i.e. Sentencing
19 Juries) "again"; "Directly effects" Harmon's cases of:

- 20 1.) Case No. S-17741 before this Court; in the event this
21 court grants relief in/on this case(send back to
22 trial court for future proceedings/Jury Trial
23 which will result in being denial to "timely
24 Trial by Jury by this unconstitutional ORDER.

25 And in

- 26 2.) Case No. 4FA-13-2849CI "More Directly being effected "now"

1 before the Trial Court that is "currently" being determined
2 if the Court is going to "void my Sentence or Order Resentence
3 me and if Orders Resentence will need to have access to a "jury"
4 to consider any factors; thus not being able to timely and
5 lawfully meaningfully access to "jury" will be denial of my "speedy Trial
6 and sentenceing rights" and also violates the Victims Constitu-
7 tional rights of Ak.Const.Art.I§24 Rights of Crime victim to
8 timely disposition of the case. and dening Harmon Constitutional
9 Due Process rights as well.

10
11
12 This Court can and should:

13 A.) "Vacate completely" its Constitutional Errored ORDER
14 of "Special Order of The Chief Justice - Order 8/155 [Chief Judge John H. Berger]"
15 and issue a directive to "clarify for "All" Courts in Alaska
16 to continue and use/apply the Court Rules for Jury Trials/sent-
17 encing determination on/Jury on the Factors that is currently on
18 Court Rules/Books and when the Legislature comes back in session
19 present these Changes to them for lawful changing by the Alaska
20 Constitution Art.IV.§15 requires of the Supreme Court to comply
21 with to lawfully "change" any law/court rule for any Court of AK.

22 B.) For Jury Trial/Sentencing can use part of the Vistor
23 Gallery and Jury Box for extra space and can have more mask and
24 sanitation/wiping down of areas for the Juriest/cleaning done.

25 c.) Next Legislature session also ask for more funding for
26 the extra sanitation/cleaning/mask for Juriest for Trial/sentence

1 as 1.) by Legislature Granting the new funding requirement/new
2 normal for State of Alaska/Court processes to comply with Alaska
3 Constitutional requirements for Speedy Trial/Sentencing by a
4 Jury and ^{thus}
5 2.) will not be denying the litigant to constitutional rights
6 nor deny the Victims to their rights to this timely process.

7 or the State can expect if not want to fund the Courts more
8 selling point of Can expect morre deals beeing considered and
9 Granted by the Courts and or the Courts can and will be required
10 to grant more releases due to Rule 45 violaitons of denial to
11 speedy trial and or sentenceing of litigants. *Denine Constitutional Rights*

12 Alaska Constitution must be complied with by "all" (AK.
13 Legislature/Judicial and executive;

14 NOTE: This Court "showed" back in 2019 Legislature session
15 it was willing then to require the Governor to comply with the
16 "Shall" mandates when (Judge Bolger had a talk with Gov. Dunleavy
17 on "shall" when did not want to comply with list of Judges pick
18 from); this Court can and should show it will also comply with
19 the legal requirements of "shall" mandated in the Speedy Jury
20 Trial and Sentencing laws and not continue and "suspend" "Change"
21 the laws that the Court has no Constitutional authority to do
22 and is abuse of Court's/Judges discretionay authority and
23 resulting in Intentional denial of Constitutional rights and
24 privilages. Respectfully and prayerfully submitted this
25 date of June 18th, 2020 signed Stephen Harmon Prose.
26

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STEPHEN HARMON
Appellant

APPELLATE COURTS
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APPELLATE
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STATE OF

vs

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Appellees.

Suprem Court Case No. S-17741

Superior Court Case No. 3NA-19-10653CI.

(related and "directly effecting by
this Court's Order in/on "Current"
Superior Court Case No. 4FA-13-2849CI)

ORDER)

Herein ORDERED

This Court ORDERS the Reversal and Vacating of its ORDER of

"Special Order of The Chief Justice - Order 8155" ^{Chief Judge} JOEL H. BOLGER
"Completely"

This Court furtures ORDERS

To Clearifiy to "all" Alaska Courts and Attornies and liti-
gants; the Current Court Rules on the Books for Jury Trial and
Juries for sentencing are to be followed from date of this
ORDER Forward.

Date

June 2020

Signed by Supreme Court Judge

Chief Judge JOEL H. BOLGER

IN THE SUPREME COURT OF THE STATE OF ALASKA
SPECIAL ORDER OF THE CHIEF JUSTICE
ORDER NO. 8155

Update regarding COVID-19 and Jury Trials

The number of active COVID-19 cases in Alaska remains high. Public health authorities advise that transmission of the disease may be mitigated by social distancing, face coverings, and other health measures. But most state courtrooms are barely adequate to accommodate the parties, attorneys, court personnel, and a standard jury panel with adequate social distancing. The court administration needs additional time to devise procedures that will allow jury trials to proceed safely. And most courtrooms do not have adequate space to safely accommodate a public audience or a large jury selection assembly. Therefore, under the authority of Supreme Court Order No. 1957,


IT IS ORDERED:

1. Jury trials remain suspended until at least September 1, 2020. The period of this delay, beginning March 16, will continue to be excluded in computing the time for trial under Alaska Criminal Rule 45(d). When this suspension is lifted, the time for trial will continue to be tolled for the time necessary to permit an orderly transition and scheduling.
2. In order to promote social distancing when jury trials resume, the public may be required to participate by teleconference, videoconference, or video feed.
3. Also to promote social distancing, court administration and trial judges may impose limits on jury panel qualification, assembly, and selection procedures. Jury questionnaires may be expanded to identify qualification and hardship issues and to expedite the exercise of juror challenges.

Attachment "Letter A"
(10 F 2)

4. All trials shall be conducted with strict adherence to social distancing, face coverings, and other health requirements imposed by government health mandates, presiding judge orders, and administrative bulletins.

DATED: June 15, 2020


Joel H. Bolger
Chief Justice

Distribution:
Supreme Court Justices
Presiding Judges
Area Court Administrators
Administrative Director
Clerk of the Appellate Courts

Attachment "Letter A"
(20 Feb)

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SIGNATURE

APPELLATE COURTS
OF THE
STATE OF ALASKAAPPELLATE COURT
OF THE
STATE OF ALARespectfully Submitted on date June 18th, 2020S. HarmonStephen Harmon
Goose Creek Cor.Cnt.
22301 West Alsop Rd.
Wasilla, Alaska 99654

CERTIFICATE OF SERVICE

I certify that the following dtae June 18th, 2020, I provided a
Original set w/Order to Court Clerk
Copy set w/Order to each Attorney listed below of this

Motion for Reconsideration of Court's Order of "SPECIAL ORDER OF
The Chief Justice - Order 8155 [Judge SOEL H. Berger]"

mailed to Clerk of Court Original set

Mailed to:

(Case No. related to S-17741)
Attorney Jessica M. Alloway
Ast. Att. Gen.-Dept. of law
1031 W. 4th ave.-Ste. 200
Anchorage, Alaska 99501

(Case No Related to 4FA-13-2849CI)
Attorney David Buettner
Fairbanks Ast. District Attorney
510 2nd ave.-Ste. 200
Fairbanks, Alaska 99701

NOTE

✓
This court
Granted waiver of fees
and Grant of Copy any
needed on this case



* Why only Set (1) one - original set
TO Court of this motion, But
Does w/it effect, Both Cases (Alaska) [currently before both courts]
Also → Thus I am Agrieved and Authorized
pursuant to court Rules to File and
Court Determine - please accept / File to
Court for Consideration / Determination, Thank you, S. Harmon